Motion filed to delay Amendment 2 trial

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U.S. Supreme Court may be asked to review case

By **Ray Flack**/Denver Bureau

DENVER — Attorney General Gale Norton filed a motion Friday to postpone the Oct. 12 District Court trial on the merits of Amendment 2.

The motion points out that Norton intends to ask the U.S. Supreme Court to review the case in wake of a July 19 ruling by the Colorado State Supreme Court.

The state's highest court upheld a preliminary injunction issued Jan. 15 by Denver Judge Jeffrey Bayless. That order stopped enforcement of the amendment, which seeks to ban laws granting protection to homosexuals and lesbians based on their sexual preference.

"Substantial grounds exist for believing that the majority of the Colorado Supreme Court misapprehended or misapplied (federal) law in arriving at its conclusion," Norton wrote in the motion.

She said she expects by Sept. 15 to petition the U.S. Supreme Court to review the case. Afterward the plaintiffs, the American Civil Liberties Union and the Colorado Legal Initiative, will have 30 days to respond.

She said the nation's highest court should decide by late November or early December whether to accept the case.

If the case goes to trial in Denver District Court and then the U.S. Supreme Court agrees to the review, "the trial . . . will be for naught," she wrote.